



Staff Report

RESOLUTION AUTHORIZING THE ADOPTION OF THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR FEDERALLY FUNDED ROADWAY IMPROVEMENTS FOR USE FOR U.S. DEPARTMENT OF TRANSPORTATION FUNDED PROJECTS (FEDERAL FISCAL YEAR 2005/2006)

Honorable Mayor and Council Members:

Summary

The Code of Federal Regulation, Title 49, Part 26, requires agencies receiving federal funds to establish and maintain a Disadvantaged Business Enterprise (DBE) Program and to publish approved DBE goals in a local, small business or minority newspaper. Caltrans has approved the City of Belmont's Draft DBE Program and the Federal requirements for public notification and comment have been satisfied.

This DBE Program will enable the City to qualify for and receive approximately \$134,000 in federal funds over the federal fiscal year (FFY) 2005/2006. Without a new DBE Program, the City will forfeit this funding opportunity.

It is recommended that the City Council approve the City's DBE Program for federal fiscal year 2005/2006.

Background

A DBE is a for-profit "small business concern" that is at least 51 percent owned and controlled by one or more socially and economically disadvantaged individuals. The management and daily business operations must also be controlled by one or more such individuals. For the purposes of this program, such individuals must be citizens of the United States and: (1) any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis, or (2) who is either Black American, Hispanic American, Native American, Asian-Pacific American, Subcontinent Asian American, a woman, or of any other group found to be socially and economically disadvantaged by the Small Business Administration.

The DBE Program establishes a minority-owned and women-owned business participation goal for federally funded construction projects and potentially any federal assistance in the event of

natural disasters.

Program requirements also include the annual monitoring of the DBE Program participation goal, and re-evaluation of the DBE participation goal percentage. Records will be kept to track and evaluate direct DBE participation, subcontractors' lists, bidder lists, good faith efforts and other factors that may indicate evidence for subsequent adjustment of the DBE participation goal. This information will be made available to Caltrans. Any change to the DBE Program will be returned to the City Council for approval.

The City Council authorized application for \$134,000 of Surface Transportation Program (STP) federal funds on November 9, 2004. This federal grant requires an approved DBE program. The project is on Old County Road between the San Mateo County limits (near O'Neill Avenue) north to Ralston Avenue. The project consists of grinding and overlay of pavement, and excavating and patching of severe areas of pavement failure. Concrete work will include repair of curb, gutter and driveways and the installation of Americans with Disabilities Act (ADA) compliant curb ramps. Caltrans is requiring all applicants of federal funds to draft, establish and maintain a new DBE Program each year for current and future funding cycles.

Discussion

Caltrans approved the City's Draft DBE Program on June 28, 2005. An advertisement inviting public comment on the document was published in the Small Business Exchange on August 25, 2005 and the San Mateo County Times on August 27, 2005.

The DBE document has been available at the City of Belmont Public Works office to interested parties as required by the Code of Federal Regulations. This Code requires 30 day review and 15 day comment period. Copies of the report were offered free of charge. Despite these public outreach measures, the City did not receive any comments regarding the City's DBE Program.

The City of Belmont's DBE Program participation goal is 5% for all federally funded construction projects and potentially any federal assistance in the event of natural disasters.

Fiscal Impact

There is no fiscal impact from adopting the annual FFY 2006 DBE Program.

Public Contact

Advertisement inviting public comment on the DBE Program document was published in the Small Business Exchange on August 25, 2005 and the San Mateo County Times on August 27, 2005. This item was also posted with the Council agenda.

Recommendation

It is recommended that the City Council approve the City's DBE FFY 2006 Program by adopting the attached resolution.

Alternatives

1. Take no action.
2. Refer back to staff for further information.
3. Deny the request.

Attachments

A. Resolution

Respectfully submitted,

Bennett Chun, PE
Associate Engineer

Raymond E. Davis, III, PE, PTOE
Director of Public Works

Jack R. Crist
Interim City Manager

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
AUTHORIZING THE ADOPTION OF THE DISADVANTAGED BUSINESS
ENTERPRISE PROGRAM FOR FEDERALLY FUNDED ROADWAY
IMPROVEMENTS FOR USE FOR U.S. DEPARTMENT OF TRANSPORTATION
FUNDED PROJECTS (FEDERAL FISCAL YEAR 2005/2006)**

WHEREAS, The City of Belmont expects to receive federal funds through the U.S. Department of Transportation for certain approved transportation-related projects; and,

WHEREAS, it is the requirement of all recipients of these federal transportation funds to promote the utilization of Disadvantaged Business Enterprises (DBEs); and,

WHEREAS, it is the requirement of all recipients of these federal funds to adopt an approved program detailing the setting of goals for utilization of DBE's in federally funded contracts and the inclusion of these goals and other requirements in all such contracts; and,

WHEREAS, the City of Belmont has drafted the annual DBE program and has invited public comments on the DBE program that was published in the Small Business Exchange on August 25, 2005 and the San Mateo County Times on August 27, 2005; and,

WHEREAS, the City of Belmont has duly fulfilled the State and Federal requirements regarding the establishment of an official program that establishes goals for the utilization of DBE's in federally funded contracts and the inclusion of these goals and other requirements in all such projects.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont:

1. Adopts the Disadvantage Business Enterprise Program for Federal Fiscal Year 2005/2006 and its initial participation goal of 5%.
2. Directs the Public Works Department to monitor and evaluate the newly adopted DBE Program goal in accordance with the direction and requirements of the Federal Department of Transportation and its duly authorized agents.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on November 9, 2005 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont